

JS 44C/SDNY  
REV. 1/2014

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Lehman Brothers Holdings Inc., as Plan Administrator, and Lehman  
Brothers Special Financing, Inc.

## DEFENDANTS

Wellmont Health System

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

David S. Cohen, Millbank, Tweed, Hadley & McCloy, LLP, 1850 K Street  
NW, Suite 1100, Washington DC 20006, 202-835-7586

## ATTORNEYS (IF KNOWN)

Patrick Darby, Stewart M. Cox, Sean Michael Solomon, Bradley Arant Boult  
Cumming, LLP, 1819 Fifth Avenue North, Birmingham, AL 35203, Telephone:  
205-521-8000, Facsimile: 205-521-8800CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Motion to the automatic reference to the Bankruptcy Court under 28 U.S.C. 157(d)

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed: No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [X] IN ONE BOX ONLY)

## NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES	
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 610 AGRICULTURE
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> 365 MED MALPRACTICE	<input type="checkbox"/> 620 OTHER FOOD &
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 LIABILITY	<input type="checkbox"/> 368 PERSONAL INJURY	<input type="checkbox"/> 625 DRUG
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 368 PRODUCT LIABILITY	<input type="checkbox"/> 625 DRUG RELATED
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 630 SEIZURE OF
<input type="checkbox"/> 151 OVERPAYMENT &	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> 368 INJURY PRODUCT	<input type="checkbox"/> 630 PROPERTY
<input type="checkbox"/> 152 ENFORCEMENT	<input type="checkbox"/> 330 EMPLOYERS'	<input type="checkbox"/> 368 LIABILITY	<input type="checkbox"/> 630 21 USC 881
<input type="checkbox"/> 151 JUDGMENT	<input type="checkbox"/> 340 LIABILITY	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 630 LIQUOR LAWS
<input type="checkbox"/> 152 MEDICARE ACT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 640 RR & TRUCK
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 650 AIRLINE REGS
<input type="checkbox"/> 152 DEFAULTED	<input type="checkbox"/> 345 LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL	<input type="checkbox"/> 660 OCCUPATIONAL
<input type="checkbox"/> 152 STUDENT LOANS	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 660 SAFETY/HEALTH
<input type="checkbox"/> 152 (EXCL VETERANS)	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 690 OTHER
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 355 PRODUCT LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL	
<input type="checkbox"/> 153 OVERPAYMENT	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 385 PROPERTY DAMAGE	
<input type="checkbox"/> 153 OF VETERANS'	<input type="checkbox"/> 360 INJURY	<input type="checkbox"/> 385 PROPERTY DAMAGE	
<input type="checkbox"/> 153 BENEFITS		<input type="checkbox"/> 385 PRODUCT LIABILITY	
<input type="checkbox"/> 160 STOCKHOLDERS		<b>LABOR</b>	
<input type="checkbox"/> 190 SUITS		<input type="checkbox"/> 710 FAIR LABOR	
<input type="checkbox"/> 190 OTHER		<input type="checkbox"/> 710 STANDARDS ACT	
<input type="checkbox"/> 195 CONTRACT		<input type="checkbox"/> 720 LABOR/MGMT	
<input type="checkbox"/> 195 CONTRACT		<input type="checkbox"/> 720 RELATIONS	
<input type="checkbox"/> 195 PRODUCT		<input type="checkbox"/> 730 LABOR/MGMT	
<input type="checkbox"/> 195 LIABILITY		<input type="checkbox"/> 730 REPORTING &	
<input type="checkbox"/> 196 FRANCHISE		<input type="checkbox"/> 730 DISCLOSURE ACT	
		<input type="checkbox"/> 740 RAILWAY LABOR ACT	
		<input type="checkbox"/> 790 LITIGATION	
		<input type="checkbox"/> 790 OTHER LABOR	
		<input type="checkbox"/> 791 EMPL RET INC	
		<input type="checkbox"/> 791 SECURITY ACT	
		<b>IMMIGRATION</b>	
		<input type="checkbox"/> 462 NATURALIZATION	
		<input type="checkbox"/> 462 APPLICATION	
		<input type="checkbox"/> 463 HABEAS CORPUS-	
		<input type="checkbox"/> 463 ALIEN DETAINEE	
		<input type="checkbox"/> 465 OTHER IMMIGRATION	
		<input type="checkbox"/> 465 ACTIONS	
<b>REAL PROPERTY</b>	<b>ACTIONS UNDER STATUTES</b>	<b>PRISONER PETITIONS</b>	<b>BANKRUPTCY</b>
<input type="checkbox"/> 210 LAND	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> 422 APPEAL
<input type="checkbox"/> 220 CONDEMNATION	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 510 VACATE SENTENCE	<input type="checkbox"/> 422 28 USC 158
<input type="checkbox"/> 230 FORECLOSURE	<input type="checkbox"/> 443 HOUSING/	<input type="checkbox"/> 530 HABEAS CORPUS	<input checked="" type="checkbox"/> 423 WITHDRAWAL
<input type="checkbox"/> 230 RENT LEASE &	<input type="checkbox"/> 443 ACCOMMODATIONS	<input type="checkbox"/> 535 DEATH PENALTY	<input type="checkbox"/> 423 28 USC 157
<input type="checkbox"/> 240 EJECTMENT	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 540 MANDAMUS & OTHER	
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 445 AMERICANS WITH		
<input type="checkbox"/> 245 TORT PRODUCT	<input type="checkbox"/> 445 DISABILITIES -		
<input type="checkbox"/> 245 LIABILITY	<input type="checkbox"/> 445 EMPLOYMENT		
<input type="checkbox"/> 290 ALL OTHER	<input type="checkbox"/> 446 AMERICANS WITH		
<input type="checkbox"/> 290 REAL PROPERTY	<input type="checkbox"/> 446 DISABILITIES -OTHER		
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS		
	<input type="checkbox"/> 440 (Non-Prisoner)		
		<b>PRISONER CIVIL RIGHTS</b>	
		<input type="checkbox"/> 550 CIVIL RIGHTS	
		<input type="checkbox"/> 555 PRISON CONDITION	

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)		ORIGIN				
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
<input type="checkbox"/> a. all parties represented		<input type="checkbox"/> b. At least one party is pro se.				
(PLACE AN x IN ONE BOX ONLY)		BASIS OF JURISDICTION			IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1332, 1441)	
<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)			<input type="checkbox"/> 4 DIVERSITY	

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] [ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] [ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] [ ]
CITIZEN OF ANOTHER STATE	[ ] 2 [ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6 [ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 2/20/14 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

☒ NO

☐ YES (DATE ADMITTED Mo. \_\_\_\_ Yr. \_\_\_\_)

Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)